

# The Unintended Effects of Norway's Readmission Agreement with Ethiopia

*Insights from the project 'Possibilities and Realities of Return Migration'*

The main purpose of migration policy is to affect migration flows. Sometimes, however, policies have other, unintended effects. Such consequences are easily overlooked in policy evaluations, which usually focus on the effectiveness of a given policy in terms of its intended aim. This Policy Brief analyses the outcome of Norway's readmission agreement with Ethiopia. Two years after the signing of that agreement, it is clear that its various effects provide a new avenue for reflecting on migration policies in general, and on readmission agreements in particular.

## Brief Points

- Since the agreement on readmission was signed between Norway and Ethiopia in 2012, there has been no increase in the number of people deported to Ethiopia.
- The controversial agreement resulted in a fierce national debate in Norway on issues of asylum and return. It also affected the lives of several hundred Ethiopians residing irregularly in Norway.
- Norway's strong interest in return provides Ethiopia with valuable bargaining chips for any future negotiations and may affect other bilateral issues.
- When discussing policies on return migration, it is important to consider effects that may not have been part of the original intentions of a given policy.

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### Why do states seek readmission agreements?

Since 2010, Norway has received roughly 10,000 asylum applications per year. Around two-thirds of these asylum-seekers have been granted protection or permission to remain, or have remigrated, while about one-third of the applicants have been found not to meet the criteria for asylum protection. While many rejected asylum-seekers leave voluntarily, others stay on in Norway as irregular migrants.

In many cases, these migrants do not possess the necessary identity documents, such as a passport, that would enable the Norwegian police to deport them to their countries of origin. Accordingly, unless their presumed country of origin cooperates and facilitates readmission, it may be near impossible to remove these people from Norway. Readmission agreements are therefore a pressing political priority. According to the Norwegian government, such agreements are essential for protecting the institution of asylum and ensuring the rights of all those eligible for it. However, negotiating readmission agreements is challenging because there is little value for the governments of less developed countries in readmitting their nationals living abroad.

### The Memorandum of Understanding on readmission

In January 2012, Norwegian and Ethiopian representatives signed a Memorandum of Understanding (MoU) in which the Ethiopian government agreed to facilitate both voluntary and forced return of Ethiopian nationals residing irregularly in Norway. Having sought a readmission agreement with Ethiopia for 20 years, the Norwegian government regarded the Memorandum as an achievement. It opened up for the return of more than 700 Ethiopians whose asylum applications had been rejected, and was presented as a milestone in the Norwegian government's work to increase the number of bilateral agreements on readmission.

However, although the agreement was supposed to be effectuated upon signing, implementation of the new policy has been slow. In 2012, the overall outcome of the policy was presented in a positive light by the ruling

centre-left coalition, while it was starkly questioned in the media and by political opponents.

### No considerable effect on migration flows

When signing the MoU, the Norwegian state was aiming for an increase in the voluntary and forced return of Ethiopians, and a decrease in the number of Ethiopian asylum-seekers. In the state budget for 2013, the Ministry of Justice and Public Security reported that the readmission agreement had had its anticipated effects. It noted that the agreement had affected 'both asylum arrivals and the number who choose assisted voluntary return'.

Regarding the number of returns to Ethiopia, it is accurate to say that more persons chose 'assisted voluntary return' after the agreement was signed. While there were between 12 and 35 yearly returns between 2009 and 2011, there was an increase to 54 in 2012, and to 57 in 2013. However, despite this instant increase, the number of assisted voluntary returns remains relatively low (Figure 1). When the current number of returns is compared with the more than 700 Ethiopians with an irregular status in Norway, the results appear

to be rather modest.

The main reason why most of the irregular Ethiopians continue to reside in Norway is that the Norwegian police has been unable to deport any Ethiopians as part of the agreement. If Ethiopian nationals do not have an Ethiopian passport, they cannot return to Ethiopia. While those who choose assisted voluntary return can acquire identity papers from the Ethiopian embassy themselves, those who do not seek return do not do this. Under the terms of the readmission agreement, the Ethiopian state should provide identity documents to the Norwegian police in cases where irregular migrants have none. However, as reported by the Police Immigration Service, so far Ethiopia has issued none of the identity documents that have been requested.

The Ministry of Justice and Public Security rightly highlighted that the number of Ethiopian asylum applicants decreased after the signing of the agreement. When we examine the changes in numbers of arrivals since 2010, a sharp drop in the first quarter of 2012 can be observed. While the yearly number of Ethiopian asylum-seekers has steadily decreased over the last four years, the post-agreement drop of more than 100 arrivals is readily seen and may be attributed to the immediate signal effect of

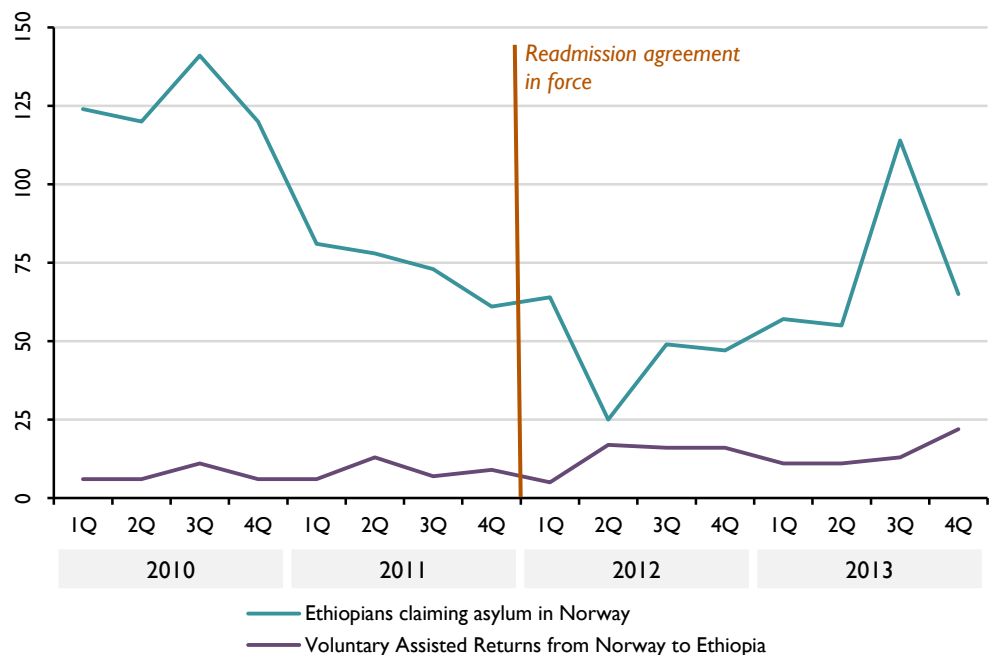


Figure 1: Asylum applications and voluntary assisted returns, 2010–2013. Source: UDI Statistics, 2014.

the new policy. Nevertheless, in 2013, the flow increased to pre-agreement levels (Figure 1).

### Public discourse and diaspora reactions

After signing the MoU, the centre-left coalition then in power in Norway announced that it was 'very happy' with the new agreement, viewing it as an important step in its efforts to strengthen the asylum institution. However, immediately after the readmission agreement was publicised, there was much discussion in the media about the dubious human rights situation the Ethiopians would face upon return. Humanitarian organizations and asylum interest groups in Norway promptly criticized the new agreement, stating that Norwegian authorities underestimated the Ethiopian regime. The volume of critical expressions created a large public debate on the management of asylum-seekers whose claims have failed. During the debate, the government was criticized harshly, both by its own political supporters and by the right-wing opposition.

This media uproar in the aftermath of the signing affected the political environment at the time. The readmission agreement can be seen as part of the centre-left's shift towards stricter immigration policies, attributed to the coalition's desire to demonstrate its ability to control what many perceived to be an increasing flow of immigrants. However, if the government's political goal was to increase public confidence in its ability to control immigration, it was not successful. Since no Ethiopians were deported, the centre-left government only demonstrated a weakness in its ability to regulate the asylum system.

In response to the agreement, a group of 340 Ethiopians collectively filed a lawsuit against the Norwegian state in April 2012. Through a representative action, they accused the state of having made invalid decisions regarding their right to protection. The District Court, the Court of Appeal and finally the Supreme Court all dismissed the lawsuit. By this point, the group of accusers included more than 600 Ethiopians.

Although the lawsuit was unsuccessful, it is clear that it affected the situation of the Ethiopians. Indeed, it has been argued that the lawsuit represented a major setback for them since it kept them lingering in an uncertain

situation for a long time. Another consequence was that the readmission agreement and the politicized reactions of members of the Ethiopian diaspora in Norway divided the diaspora: either you were part of the group that was contesting return or you were against it. If an individual was considering assisted voluntary return, that could be regarded as a betrayal of those who protested. These incidents illustrate the migrants' reactions to the policy and demonstrate how changes in migration policy can affect migrants' actions and their relation to the host state.

### Why did Ethiopia sign the agreement?

Establishing cooperation on return of irregular migrants remains challenging for host countries. Ethiopia's lack of interest in cooperating on return was therefore to be anticipated. The interesting question, then, is why Ethiopia agreed to sign the MoU at this particular point in time. While numerous factors may have played a part, contemporaneous developments in the bilateral relationship between the two states must be seen as an underlying factor. In 2007, there was a diplomatic crisis in which Ethiopia asked Norway to withdraw six diplomats from its embassy in Addis Ababa. Subsequently, Norway's development aid to Ethiopia decreased from NOK 263 million in 2006 to NOK 163 million in 2011.

When Norway later eased up on its criticism of the Ethiopian regime, the bilateral relationship was normalized, negotiations on return were resumed, and Norwegian officials declared that they planned to double the amount of aid to Ethiopia. In December 2011, Norway, Ethiopia and the United Kingdom also signed a Climate Partnership. Under the terms of this partnership, Norway agreed to financially support Ethiopia with up to NOK 360 million annually. In 2013, development aid from Norway to Ethiopia reached the unprecedented level of NOK 359 million (Figure 2).

It is difficult not to attribute the signing of the readmission agreement by Norway and Ethiopia to the concurrent changes in their bilateral ties. However, other factors are also likely to have played a role in Ethiopia's decision to sign a readmission agreement. With regard to Ethiopia's political context and the government's difficulties with securing respect from the international community, good bilateral

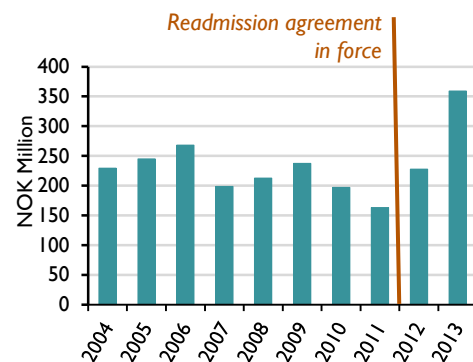


Figure 2: Norwegian development aid to Ethiopia, 2004–2013. Source: Norwegian Aid Statistics, 2014.

relationships can be very valuable. As one participant in the bilateral negotiations pointed out, 'this form of agreements gives Ethiopia recognition as an important regional actor'. Thus, the agreement provided Ethiopia with improved international respectability, something that is undoubtedly desirable for a government internationally regarded as an authoritarian regime.

### Geopolitical changes in power relations?

Discourses on migration policy are often dominated by the view that highly developed states persuade less developed states to take care of the 'migration problem' before it reaches, for example, European shores. Accordingly, migration policies have often been viewed as reflecting North–South disparities, rendering migrant-sending states as powerless actors. In the case of Ethiopia and Norway, however, the relationship between the two states can be understood differently.

After a readmission agreement is signed, it usually takes some time before all necessary mechanisms are implemented. Even so, it rarely takes as long as has been the case with Norway's agreement with Ethiopia. At the time of writing this policy brief, two and a half years after the agreement was made, Ethiopia still shows no interest in effectuating the part of the agreement concerning deportation.

The Norwegian government's increased interest in return has strengthened Ethiopia's position in the two countries' bilateral relationship. Through its refusal to accept returnees from Norway and its clear lack of interest



The Ethiopian diaspora protests against deportation to Ethiopia, one of several demonstrations in Oslo during the spring of 2012. Photo: Gedion Melese.

in cooperation on the issue, Ethiopia has turned the subject of migration into a bargaining chip. When Ethiopia agreed to sign the readmission agreement, positive developments in the bilateral relationship were an asset for Ethiopia. For Norway, on the other hand, the agreement cannot be regarded as a success.

Owing to the lack of interest from the Ethiopian side, the Norwegian government's ambition of returning the irregular migrants remains unfulfilled. Since an MoU does not imply a legal commitment, it would be unreasonable for Norway to apply economic sanctions against Ethiopia on this account. In this regard, the negotiations on return have altered

the relationship between the two countries and changed the bilateral power dynamics. As the situation now stands, Norway's keen interest in return may give Ethiopia a strong hand in other diplomatic negotiations.

### Implications for research and policy-making

When assessing the readmission agreement between Norway and Ethiopia, there are several issues to take into account. First, the official aim of returning Ethiopian nationals residing irregularly in Norway has not been fulfilled. Furthermore, it is doubtful whether the agreement has led to a long-lasting decrease in the number of Ethiopians applying for asylum in Norway, as was expected by the government.

Second, despite the lack of intended effects, the agreement has had other impacts. The heated debate on asylum and return to Ethiopia lasted for several months, and the centre-left coalition was harshly criticized for its actions. The readmission agreement and the subsequent lawsuit in which more than 600 Ethiopians sued the Norwegian state created uncertainty within the Ethiopian diaspora in Norway. This is likely to have affected ways in which Ethiopians think about assisted voluntary return. The reactions within the Ethiopian diaspora must be considered unintended effects of the policy, and it is vital that researchers and policymakers recognize such unintended effects if we are to better understand how migration policy can impact society.

A third aspect is the agreement's relation to the overall bilateral relationship between Norway and Ethiopia. The possible connection between the increased level of Norwegian aid to Ethiopia and the positive turn in the negotiations on return has been highlighted by

many. This link, however, has not been officially acknowledged by the actors involved in the process themselves. While critical voices condemn the linking of development and migration policies, such an approach can serve as a tool for wealthy states encountering difficulties with deporting irregular migrants. Even so, if this is a strategy to be pursued, it is important that politicians and policymakers acknowledge it. When migration policy is linked to other policy areas without this being explicitly expressed, the effects the policy has on the actors involved may be more multifaceted, difficult to predict and, indeed, undesirable. ■

### For further reading

- Czaika, M. and de Haas, H. (2011) *The Effectiveness of Immigration Policies: A Conceptual Review of Empirical Evidence*. DEMIG project paper no. 3. Oxford: International Migration Institute, Oxford University.
- Eide, C. (2013) *How To Understand the Outcomes of Migration Policy? A Study of the Return Agreement Between Norway and Ethiopia*. Working Paper 74. Oxford: International Migration Institute, Oxford University.
- Janmyr, M. (2014) *Norway's Readmission Agreements: Spellbound by European Union Policies or Free Spirits on the International Field?* *European Journal of Migration and Law* 16(2): 181–208.

### THE AUTHOR

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### THE PROJECT

This Policy Brief is part of the project 'Possibilities and Realities of Return Migration' (PREMIG), a large-scale research project that explores return migration from Norway and the United Kingdom. The project is led by Research Professor Jørgen Carling. For more information, see [www.prio.no/premig](http://www.prio.no/premig)

### PRIO

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